

REMARKS

Reconsideration of the application in view of the foregoing amendments and the following remarks is respectfully requested. Claims 1-4, 6-10, 12-16, and 18 have been amended. No claims have been added or canceled. Hence, Claims 1-18 are currently pending in the application.

SPECIFICATION

The Office Action objected to the Specification for lacking updated continuing data information. Paragraph [0001] has been amended to indicate that U.S. Application Serial No. 09/524,775 has now issued as U.S. Patent No. 6,701,367.

CLAIMS REJECTIONS—35 USC 102

The Office Action rejected Claims 1-18 under 35 U.S.C. 102(e) as being unpatentable, allegedly, over U.S. Patent No. 5,835,724 (“Smith”). Claims 1, 7, and 13 have been amended to more distinctly claim certain embodiments of the invention.

As amended, Claim 1 recites, *inter alia*, **“selecting, based upon said application, and from among two or more session managers, a particular session manager to associate with said application.”** The Office Action alleged that Smith’s “session server 24,” shown in Figure 1, is analogous to the “session manager” that was formerly recited in Claim 1.

Claim 1 has now been amended to recite “selecting” a particular session manager “from among two or more session managers” and “based upon said application.” Even if Smith’s “session server 24” were taken to be analogous to the “session manager” of Claim 1, Smith still does not disclose more than one session server. Smith also does not disclose selecting a session server from among multiple session servers. Smith also does not disclose selecting a session server based on an application.

Thus, Smith does not teach, disclose, or suggest **“selecting, based upon said application, and from among two or more session managers, a particular session**

manager to associate with said application.” as recited in Claim 1. Thus, Claim 1 is patentable over Smith.

Claims 2-6 depend from Claim 1 and therefore include all of the distinguished limitations of Claim 1. Thus, Claims 2-6 are patentable over Smith for at least the reasons given above with reference to Claim 1.

Claims 7-12 recite apparatuses that comprise mechanisms for performing the methods of Claims 1-6, respectively. Therefore, it is respectfully submitted that Claims 7-12 are patentable over Smith for at least the reasons given above in connection with Claims 1-6, respectively.

Claims 13-18 recite computer-readable media that carry instructions for causing one or more processors to perform the methods of Claims 1-6, respectively. Therefore, it is respectfully submitted that Claims 13-18 are patentable over Smith for at least the reasons given above in connection with Claims 1-6, respectively.

CLAIM REJECTIONS—DOUBLE PATENTING

The Office Action rejected Claims 1-18 under the judicially created doctrine of obviousness-type double patenting. Invoking this doctrine, the Office Action alleged that Claims 1-18 were unpatentable over Claims 1-9 of U.S. Patent No. 6,701,367. The rejection is respectfully traversed.

According to MPEP 804.01, “The third sentence of 35 U.S.C. 121 prohibits the use of a patent issuing on an application with respect to which a requirement for restriction has been made . . . as a reference against any divisional application, if the divisional application is filed before the issuance of the patent.”

The present application is a divisional application of U.S. Application Serial No. 09/524,775 (the “parent application”), which has now issued as U.S. Patent No. 6,701,367. The present application was filed in response to an Office requirement for restriction in the parent application; the claims presented in the present application are some of those that were not elected in response to the restriction requirement. The

present application was filed before the issuance of U.S. Patent No. 6,701,367.

Therefore, 35 U.S.C. 121 prohibits the use of U.S. Patent No. 6,701,367 as a reference against the present application.

It would be grossly inconsistent if the pending claims were initially alleged to be patentably distinct from the now-issued claims, as they were alleged to be in the restriction requirement, and then subsequently alleged to be not patentably distinct from the now-issued claims, as they were alleged to be in the Office Action.

In light of the above facts, withdrawal of the double patenting rejection is respectfully requested.

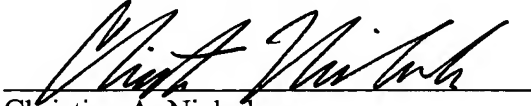
CONCLUSION

For at least the reasons set forth above, it is respectfully submitted that all pending claims are patentable over the art of record, including the art cited but not applied. Accordingly, allowance of all claims is hereby respectfully solicited.

Respectfully submitted,

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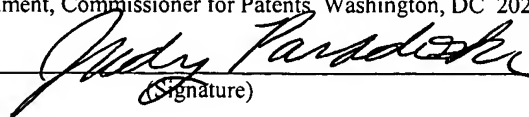
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